

DECLARATORY

Improvement Res. No. 1039-1960

For the Vacation of the sewer easement
over the east ten (10) feet of the
west eighty-six (86) feet of Lot No. 8,
Southwood Park, Section "H".

Resolution Adopted:

Dec. 29, 1960

Confirmed:

Dec. 29, 1960

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Jan. 26, 1961

B. O. 255-160

DECLARATORY RESOLUTION NO. 1039-1960

For the Vacation of the sewer easement over the east ten (10) feet of the west eighty-six (86) feet of Lot No. 8, Southwood Park, Section "H".

PLANS ORDERED: Oct. 24, 1960

ADOPTED: Dec. 29, 1960

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION: WAIVED

CONFIRMED: Dec. 29, 1960

ASSESSMENT ROLL ORDERED: Dec. 29, 1960

ASSESSMENT ROLL APPROVED: Jan. 10, 1961

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: Thurs., Jan. 26, 1961 at 2:30 p.m. IST.

NOTICE SERVED: Jan. 13, 1961

ASSESSMENT ROLL CONFIRMED: Jan. 26, 1961

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ ~~to the sewer~~
~~easement over the east five (5) feet of the north-south line of~~
~~Lot No. 8, Southwood Park, Section "H".~~

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed
 necessary to ~~vacate the sewer easement over the east five (5) feet of the north-south~~
~~eighty-six (86) feet of Lot No. 8, Southwood Park, Section "H".~~

Note: This vacation of the above described easement ~~shall not include the vacation~~
~~over the north five (5) feet or the easterly five (5) feet of said Lot No. 8.~~

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility~~
~~purpose~~ as above described, now on file in the Office of the Department of Public Works of the City of
 Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purpose~~ shall be as-
 sessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condem-~~
~~nation of right of way for utility purposes~~ is described as follows: Lot No. 8, Southwood Park, Section
"H". Said addition inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of
 Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provi-
 sions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as
 in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)%
 per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for
 any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds
 except for such moneys as shall have been actually received by the City from the assessments for such
 property damages as said City is by said above entitled act required to pay. All proceedings had in the making
 of said improvement, assessment of property, collection of assessments and issuance of bonds therefor,
 shall be as provided for in said above entitled act and all amendments thereto and supplements thereof

~~The vacation of the above described~~ ~~shall be subject to an easement for the use of the~~
~~City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers,~~
~~water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described ~~vacation~~ ~~are situated in the north-~~
~~east quarter of Section 22 and/or the northwest quarter of Section 23, Township~~
~~20 North, Range 12 East and lie wholly within the corporate limits of the City~~
~~of Fort Wayne, Indiana.~~

ADOPTED THIS

29

DAY OF

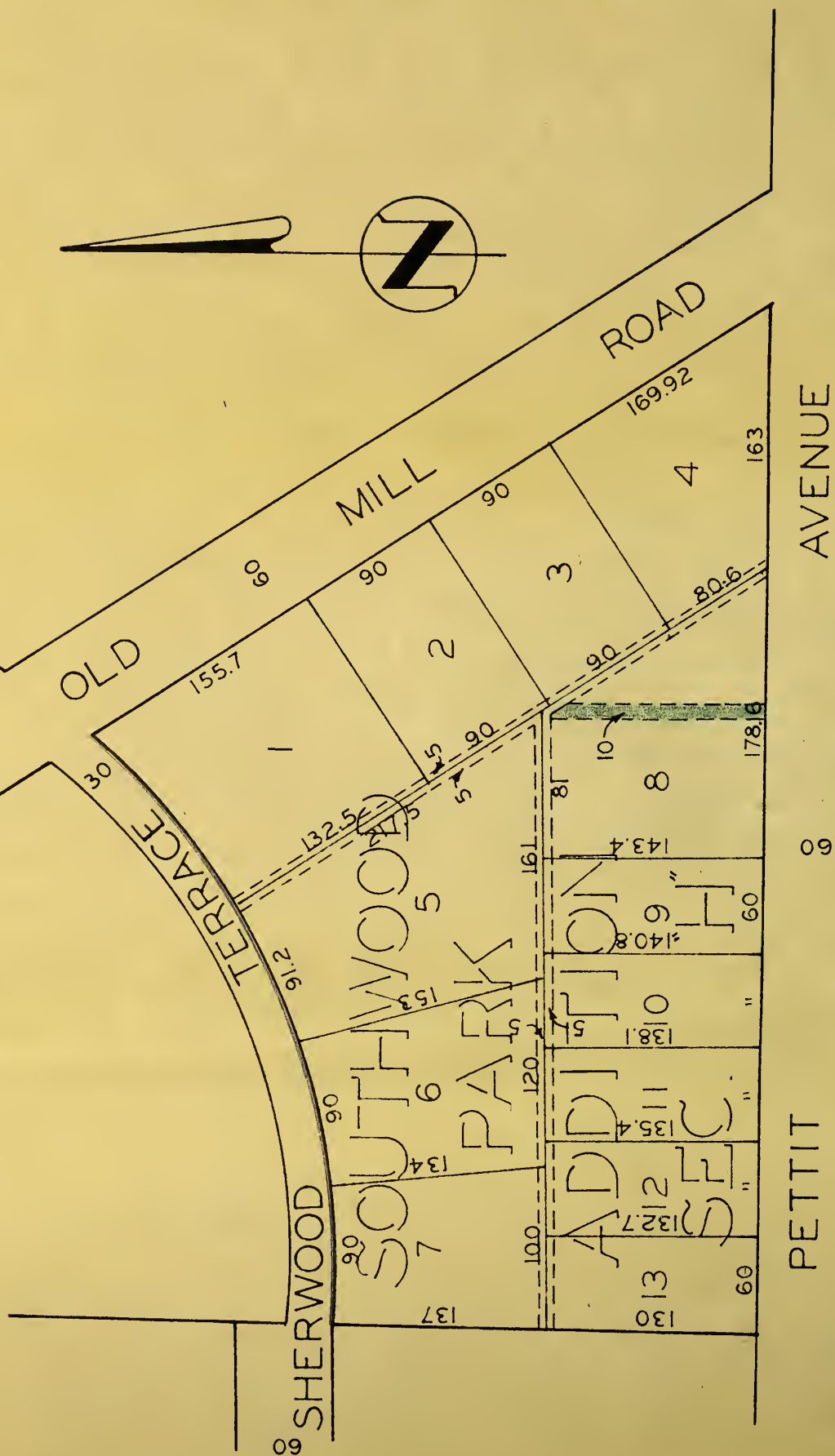
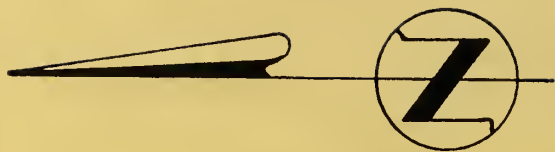
December 1960

Attest

Secretary Board of Public Works.

[Signature]
 Edward
 Board of Public Works

SEWER EASEMENT TO BE VACATED



P E T I T I O N

Fort Wayne, Ind., October 19, 1960

To the Board of Public Works of the City of Fort Wayne:
Gentlemen:

The undersigned, owners of real estate ~~on~~ described as: Lot 8 Southwood Park, Section H, an Addition to the City, ~~from~~ ^{Pettit Avenue} of Fort Wayne (known as 1010 / ~~10~~) respectfully petition for the passage of a resolution providing for the

vacation of a sewer easement over the East 10 feet of the West 86 feet of Lot 8 Southwood Park, Section H, an Addition to the City of Fort Wayne.

JOSEPH L. McALEAVEY
CONSTANCE M. McALEAVEY,

Owners of Lot 8 Southwood Park, Section H,

BY *Roy L. McNett*
(Roy L. McNett, their authorized agent and attorney in fact)



OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

42-189-13

Date Oct. 24, 1960

6 NOTED
☐ P.F.R.
☐ J.D.L.
☐ B.W.

Date _____

To City Engineer

Subject Vacation - 1010 Pettit Avenue

Received a petition for the Vacation of a sewer easement over the east 10 feet of the west 86 feet of Lot 8, Southwood Park, Section H, known as 1010 W. Pettit Avenue.

Prepare an Opinion, after conferring with all Governmental Agencies and Utilities.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

Signed _____

Reply:

1039

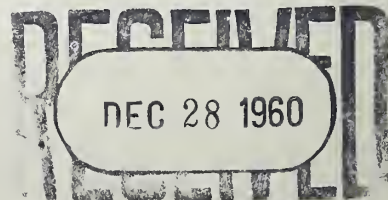
December 28, 1960

Declaratory Resolution, drawing and property ownership list completed and attached.

None of the Utility companies object to this vacation and we therefore recommend it be approved. Also, it will not be necessary to hold a public hearing on this resolution as we have obtained a signed waiver from the property owners which is attached.

Edward Green - D.S.
Edward Green,
City Engineer

DEB/is
attachs.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

42-255-6

Date Dec. 29, 1960

B. O. 233-'60

To City Engineer

Subject Declaratory Res. 1039-1960

For the Vacation of the sewer easement over the east ten (10) feet of the west eighty-six (86) feet of Lot No. 8, Southwood Park, Section "H".

Prepare Assessment Roll of \$1.00 Benefits and \$1.00 Damages.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List
cc: Mayor Burns

NOTED

☐ P.F.R.
☐ J.D.L.
☐ B.W.

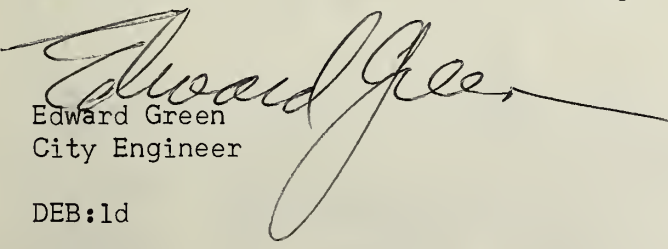
Signed _____

Date _____

Reply:

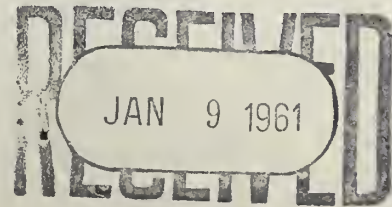
January 6, 1961

Assessment roll of benefits and damages completed and attached.


Edward Green
City Engineer

DEB:ld

Attach.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the proposed vacation of a sewer easement described as follows, to wit:

The vacation of the sewer easement over the east ten (10) feet of the west eighty-six (86) feet of Lot No. 8, Southwood Park, Section "H",

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 1039, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 16th day of December, 1960.

Joseph L. McAleavey,
Joseph L. McAleavey

1010 West Pettit
Lot No. 8
Southwood Park - Section H

Constance N. McAleavey,
Constance N. McAleavey

2

HOFFMAN, MOPPERT & SOLOMON

ATTORNEYS AT LAW

JOHN C. HOFFMAN
JOHN E. HOFFMAN, JR.
EDWARD J. MOPPERT, JR.
JAMES R. SOLOMON

SUITE 902 FORT WAYNE BANK BUILDING

FORT WAYNE, INDIANA

TELEPHONE
A-1131

October 19, 1960

Mr. Kenneth McGraw
Board of Works
City Hall
Fort Wayne, Indiana

Dear Ken:

Enclosed is petition of Mr. and Mrs. McAleavey for vacation of sewer easement over the East 10 feet of the West 86 feet of Lot 8 Southwood Park, Section H, an Addition to the City of Fort Wayne.

In July of this year it was discovered that the garage on the above property was located over the above described sewer easement and when the city engineers checked the sewer line in the easement, they found there was some water passing through it.

The main sewer line serving this property and the adjoining properties runs over the Northeast side of Lot 8 and the owner of the property, in cooperation with the city, disconnected the sewer line under the garage and reconnected all connections into the main sewer line over the Northeast side of the lot.

There is, therefore, no longer any useable sewer tile line in the easement to be vacated. There are no other utility services in the easement to be vacated, all other utility services also being located in the easement along the Northeast side of the lot.

We are sending this letter of explanation along so that the Engineering Department may know the background and status of this vacation, with which the Sewer Department is already quite familiar.

Yours very truly,

JEH:pg
In Dup.
Encls.

HOFFMAN, MOPPERT & SOLOMON

John Hoffman Jr.

Improvement Resolution No. ¹039 -1960 For THE VACATION OF THE SEWER EASEMENT OVER THE EAST
TEN (10) FEET OF THE WEST EIGHTY-SIX (86) FEET OF LOT NO. 8, SOUTHWOOD PARK, SECTION "H."

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	MC ALEAVEY, JOSEPH L. & CONSTANCE N.	1010 W. PETTIT AVE.		8			SOUTHWOOD PARK, SECTION "H"
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